

CV 19-2837

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

X **ORIGINAL**

NAKIA STEELE,

MATSUMOTO, J.
PLAINTIFF,

CIVIL
COMPLAINT
42 U.S.C. SEC.

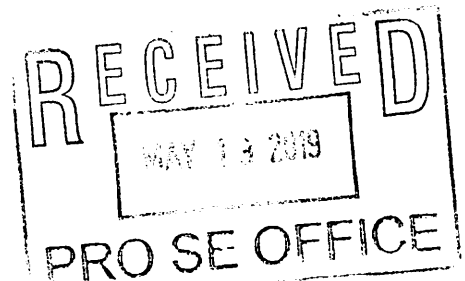
-v-

BULSARA, M.J.

1983, JURY
TRIAL DEMANDED

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, TRANSIT HEADQUARTERS,
OFFICER, I.D. NO: 950342, N.Y.C.P.D. 101,
PRECINCT,
COLLECTIVELY - DEFENDANTS.

X



PLAINTIFF ALLEGES:

1. PLAINTIFF NAKIA STEELE BRINGS THIS ACTION AGAINST INDIVIDUAL DEFENDANTS, NEW YORK CITY, NEW ^{York} CITY TRANSIT HEADQUARTERS, AND POLICE OFFICER, I.D. NO. 950342, 101~~6~~-PRECINCT FOR DAMAGES ARISING OUT OF AN FALSE ARREST, FALSE IMPRISONMENT AMONG OTHER THINGS, UNCONSTITUTIONAL POLICIES AND ACTIONS, AND COMMON LAW CLAIMS ARISING OUT OF AN INCIDENT ON OR ABOUT AUGUST 27, 2016, plaintiffs BRINGS THIS ACTION AGAINST DEFENDANTS TO REDRESS THE DEPRIVATION OF RIGHTS SECURED HIM BY THE FOURTH, FIFTH, EIGHTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION, 42 U.S.C- 1983. AND THE COMMON LAW. JURISDICTION 3. PLAINTIFF IS A CITIZEN OF THE STATE OF NEW YORK EACH DEFENDANT IS, UPON INFORMATION AND BELIEF, A CITIZEN OF THE U.S. THE MATTER IN CONTROVERSY EXCEEDS THE SUM OF \$50,000, EXCLUSIVE OF INTEREST. AND COSTS. 4. THIS COURT HAS JURISDICTION OVER THIS MATTER. PURSUANT TO 42.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Nakia Steele

Plaintiff,

[Insert full name of plaintiff/prisoner]

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

JURY DEMAND

YES ☒ NO ☐

-against-

THE CITY OF NEW YORK, NEW YORK CITY

POLICE DEPARTMENT, TRANSIT HEADQUARTERS,

OFFICER I.D. NO. 950342, p.d. 106pct.

Defendant(s).

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

- I. Parties: (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Nakia Steele

If you are incarcerated, provide the name of the facility and address:

coxackie correctional facility

P.O. Box 999

coxackie, New York 12051-0999

Prisoner ID Number: 18A2627

PURSUANT)TO 28 u.s.c. &&1331, 1332, AND 1343 (A) (3), AND 42
U.S.C. && 1983. 5. PLAINTIFF ALSO INVOKES SUPPLEMENTAL
JURISDICTION OF THIS COURT OVER PLAINTIFFS STATE CLAIMS AGAINST
DEFENDANTS FOR COMMON LAW VIOLATIONS PURSUANT TO 28U.S.C. &&
1367. AS THE COMMON LAW CLAIMS FORM PART OF THE SAME CASE
OR CNOTROVERSY. 6. VENUE IS PROPER IN THIS DISTRICT
PURSUANT TO 28 U.S.C. &&& 1391.AT THE TIME OF THE ALLEGED INCIDENT
INCIDENT AT ALL TIMES RELEVANT A CITIZEN OF THE U.S. AMERICA,
AND A RESIDENT OF THE CITY OF NEW YORK. 7. DEFENDANT, THE NEW
YORK CITY POLICE DEPARTMENT WAS AT ALL TIMES RELEVANT A MUNICIPAL
CORPORATE SUBDIVIION OF THE STATE OF NEW RESOPNSIBLE FOR THE
CUSTOMS, PRACTICES, AND POLICIES WITHIN THE NEW YORK CITY
POLICE DEPARTMENT. DEFENDANT ARRESTING OFFICER, NO. 950342, WAS
A POLICER ACTING UNDER COLOR OF LAW, THAT WAS EMPLOYED BY THE
NEW YORK CITY POLICE DEPARTMENT ALL DEFENDANTS ARE BEING SUED
IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES. 8. PLAINTIFF
FURTHER ASSERT THAT A SPECIES FALSE IMPRISONMENT, CONSISTING OF
THE DETENTION OF A PERSON WITHOUT HIS OR HER CONSENT AND WITHOUT
LAWFUL AUTHORITY. SUCH ARREST CONSISTS IN UNLAWFUL RESTRAINT OF
AN INDIVIDUAL' S PERSONAL LIBERTY OR FREEDOM OF LOCMOTION. AN
ARREST WITHOUT PROPER LEGAL AUTHORITY IS A FALSE ARREST AND
BECAUSE AN ARREST RESTRAINS THE LIBERTY OF A PERSON IT IS A
FALSE IMPRISONMENT AND A MALICIOUS PROSECUTION. 9.

10. PLAINTIFFS ASSERTS THAT HE WAS AWARE OF THIS CONFINEMENT, HE DID NOT CONSENT TO IT, IT WAS NOT PRIVILEGED, AND HE WAS VINDICATED OF ALL OF THE FOREGOING CHARGES ON JUNE 1.2017. BY THE KINGS COUNTY DISTRICT ATTORNEYS OFFICE. 11. PLAINTIFF ASSERTS THAT THE NEW YORK CITY POLICE DEPARTMENT MAINTAINED THE ACTION AGAINST PLAINTIFF DESPITE THE FACT THAT DEFENDANT'S HAD SUFFICIENT KNOWLEDGE THAT PLAINTIFF HAD NOT COMMITTED THE CRIMES IN QUESTION. IN FACT, THE SOLE WITNESS IN THIS MATTER HAD INDEED IDENTIFIED THE WRONG PERSON IN QUESTION. I WAS NOT THE CULPRIT OF THESE CRIMES, BUT DEFENDANT'S MALICIOUSLY CONTINUED SAID ACTION. 12. ON BELIEF, THE CITY OF NEW YORK PERMITS THE WIDE SPREAD OF FALSE ARREST TO PERMEATE THE CITY OF NEW YORK WITH SUCH FORCE, THAT IT REACHED PLAINTIFF AND CAUSED THE INJURIES STATED SUPRA. 13. DESPITE THE CITY'S KNOWLEDGE OF ITS' OFFICERS PROPENSITY TO COMMIT FALSE ARREST INTER ALIA, THEY CONSCIOUSLY TUNED THE BLIND EYE TO THE MISCONDUCT THEREBY EFFECTIVELY RATIFYING IT. 14. ACCORDINGLY, PLAINTIFF WAS DAMAGED AND SEEKS REDRESS. 15. PLAINTIFF HEREBY INCORPORATES AND REFERENCES THE FOREGOING PARAGRAPHS AND FURTHER ALLAGES AS FOLLOWS:
SEE STATEMENT OF FACTS:

PLAINTIFF STATEMENT OF FACTS:

On August 27, 2016 @ approximately 11:20am, I Nakia Steele boarded the A train at 44th street train station located in Farrockaway, Queens going towards Broadway Junction, located in Brooklyn, Ny. While I was in my seat headed towards my destination, I noticed someones attention on me & realized it was a Black female between her late 30's early 40's, accompanied with a young girl.

I had no clue to why she (The Woman) was looking at me the way she was but I figured that I must of looked like someone she knows, so I paid no mind to her starring at me.

But as I continued to ride the train, I dozed off & when the train made a stop I woke up & realized that the same woman that was looking at me, was now sitting directly across from me, looking at me from head to toe while she on her phone talking to someone. I was still clueless to what was going on, but as the train came to a stop at 80th street Hudson, I noticed that the train was taking longer than it usually should to pull off & all of a sudden, I'm hearing multiple footsteps & keys coming from outside the traincart I was seated on & that's when I

noticed that it was the NYPD. They (The Police) were running down the platform like they were looking for someone & that's when I started to think that someone didn't pay their fare to board the train. The officers ran pass the cart I was on twice, Then all of a sudden the woman that was starring at me decides to get up out her seat & exit the train cart we both were in.

When she exited the train cart an uniformed officer runs back to the train cart I was in, reads the words "Thrasher" on my t-shirt & then tells to get off the train & I asked the officer "for what?" & the officer repeated himself & that's when the pedestrians that was riding the train with me told the officer that I been on the train & that I didn't do anything, I agreed & the officer told me again to get off the train. So I complied & when I exited the train cart I was on, I noticed the same woman that was starring at me while I was on the train was now speaking to another officer a few feet away from me on the platform. I was still clueless to what was going on.

One of the officers told me to put my hands behind my back & I asked him (The Officer) "what for?" & he told me, that I'm being arrested, I again asked the officer "what for?" & he again demanded me to put my hands behind my back, so I complied & did as I was told & the officer put me in handcuffs.

Once in handcuffs, I was escorted by the officer downstairs near the tollbooth & that's when the officer informed me that I was being arrested for "Assault & Robbery."

That's when I realized that the woman that I was on the train with had to be the person to accuse me of the crime.

I got so upset that I told the officer to bring the lady downstairs that accused me of the crime, so she can get a good look at me before the officers transported me to the precinct.

The officer told me that right now it's her word against mine & that anything that I say can be used against me in the court of law & that I should remain silent, so that's what I did.

When I arrived to the precinct (Can't Remember The Name Of The Precinct) I was put inside of a holding cell, while I waited to be pictured & finger printed. While I was in the holding cell one of the officers (Can't Remember His Name) told me that I looked confused around the time he told to exit the train & I

responded that I was & still is confused. The officer proceeded to tell me that, THE WOMAN THAT WAS STARING AT ME WHILE I WAS ON THE TRAIN WAS ACCUSING ME OF ASSAULTING & ROBBERY.

The officer proceeded to tell me that, THE WOMAN THAT WAS STARING AT ME WHILE I WAS ON THE TRAIN IS ACCUSING ME OF ASSAULT & ROBBERY. THE OFFICER CONTINUED TO TELL ME THAT SHE SAID THAT BETWEEN THE TIMES OF 11:45pm & 12:00pm THAT I APPROACHED HER AT THE 44th STREET TRAIN STATION LOCATED IN FARROCKAWAY, QUEENS & THAT I GRABBED HER PURSE, SHE SCREAMED FOR HELP, & I PUNCHED HER & RAN OFF WITH HER PHONE & PURSE.

When I was informed by the officer of what was said I could'nt help but to laugh at what I was told, so the officer that arrested me asked me what's so funny & that's when I told the officer that Im not laughing at the crime that took place Im laughing because I never committed a crime like that & that theres too many way to get money to be robbing people & that I don't even have Robbery on my rap sheet.

So, the officer responded by telling me that I should get released at court & go home. So after I was informed about what was going on by the officer, I was then fingerprinted, pictured, etc. & put back in the holding cell. While I was in the holding cell, I asked the officer when will I be transported to the Central Bookings, the officer replied by telling me that I have an I-card on my name for being a witness to a homicide.

I was told by the officer that I would'nt be going to Central Bookings until the Brooklyn Homicide Unit are finish speaking with me. Once the Brooklyn Homicide Unit arrived, I was escorted into an interrogation room and greeted by two homicide detectives . They asked me about one of my late friends that was murdered on May 30, 2015, I explained to the two detectives that everything happened too fast & that any informaton that they recieved from anyone, is what I know. So after I was questioned about that homicide, I was then questioned about another one of my late friends homicide that was murdered on August 13, 2015.

I told the officers that I was in the precint around the time that incident occured & that I did not have any information on what or why it happened. The two detectives informed me on that they knew about my arrest at the time of the homicide & that they was also informed that I was apprehended in the precint. The two detectives then start to bring up miscellaneous things that I was'nt present for & that I did'nt care about, so I asked the two detectives can I leave out the room as I got up out of my seat & one of the detectives asked me can I sit back down & that they have one more question to ask me, so I sat back down & that's when I was asked about a homicide that occured in the year of 2014. I told the detectives that I had no idea of what they were talking about & one of the detectives responded by telling me that they had a witness that involved me in the crime over several times, that they had a camera footage of me being at the scene, & that I was with a heavysset male the day of the incident. I again told the detectives that I was clueless to what they were talking about & they just stared at me for a few seconds & exited the room we were in. From inside the room I could see the detectives speaking to the arresting officer from the Transit Police in Queens & a few minutes later coming back into the room I was in & telling me that I was coming with them to the 73rd precint in Brooklyn, Ny. So I was handcuffed by one of the detectives & escorted outside of the precint * into an unmarked vehicle, driven by the detectives. Once at the 73rd precint

in Brooklyn, Ny, I was escorted upstairs & into another room to be interrogated by the two detectives once again. The detectives asked the same questions they asked me before at the precinct in Queens, Ny but in different ways. I was tired, hungry & worried about if my family knew where I was, so I told the detectives that I didn't want to be asked anymore questions & that I would like to make a call to a family member to inform them on my whereabouts. Tired & hungry, one of the detectives gave me the Miranda card to sign & I signed the form without having knowledge on what it was & wanting to go home. The two detectives exited the interrogation room & left me in there for 2 hours & came back to escort me back downstairs to the holding pens. Once in the holding, I asked the detective what are my charges & he responded by telling me "Manslaughter". At the time I had no idea on what manslaughter was, I knew it was a homicide I just didn't know on what level. So, as I waited inside the holding cell, one of the detectives called for me to come out of the cell so they can transport me to Queens Criminal Court, so I can get arraigned for the Assault & Robbery in the 2nd degree. Once I arrived at Queens Criminal Court, I was arraigned for the Assault & Robbery & I was released without bail but due to the fact that I was also charged with the Manslaughter in Brooklyn, I couldn't be released. So after my arraignment in Queens, I was escorted back into the detectives vehicle & headed back to Brooklyn to get arraigned for the Manslaughter in the 1st degree. Once I arrived at the Criminal Court House in Brooklyn, I was arraigned & remanded by the court Judge. I was later put into the system & taken to Rikers Island. Once I got to Rikers Island & gotten settled I went to the law library there & studied my two charges (Assault & Robbery 2nd degree, Manslaughter 1st degree) I learned that manslaughter in the 1st degree is a lesser offense from murder in the 2nd degree. As I was detained fighting both cases, My lawyer for the Assault & Robbery only came to speak to me once & asked me if I was interested in taking a plea for 2 years, I responded by telling my lawyer no & that I refused to take time for crime I know I didn't commit. After My first visit with My lawyer for the robbery case, I never seen or heard from him again. When I went to court for the robbery case, I never seen the Judge or no one to tell me what was going on. I was clueless with the case. I went back & forth to Queens Criminal court for the robbery for 10 months until the case got dismissed without my knowledge. My lawyer didn't inform me on the case being dismissed, I didn't receive a letter or nothing about the case being dismissed. I was relieved to find out through a family member that the case have been dismissed but I was also depressed, confused, & emotionally drained. I tried to file for a lawsuit but I was informed by an assistant lawyer that I was 3 months late for filing a lawsuit. I am now incarcerated at Cocksackie Correctional Facility for Manslaughter in the 1st degree, I was sentenced to 14 years & 5 year post-release supervision.

16. PLAINTIFF HEREBY ASSERTS THAT THE DEFENDANTS HAVE A PATTERN, CUSTOM, AND USAGE OF FALSE ARREST. THIS PATTERN IS EVIDENCED BY THE LARGE NUMBER OF CRIMINAL CASES THAT HAVE BEEN DISMISSED IN THE COURTS OF THE UNITED STATES. AND THE LARGE NUMBER OF CIVIL CLAIMS FILED AGAINST DEFENDANTS FOR FALSE ARREST INTER ALIA.

COUNT 1 1983 claims of MONELL AGAINST THE
CITY OF NEW YORK AND OFFICER, P.O I.D. NO.
95342, N.Y.C.P.D., 106.

17. PLAINTIFF HEREBY INCORPORATES AND REFERENCES ALL OF THE FOREGOING PARAGRAPHS AND FURTHER ALLEGES:

18. UNDER THE DOCTRINE OF RESPONDEAT SUPERIOR A SUPERVISOR IS LIABLE FOR THE ACT(S) AND/OR OMISSIONS OF ITS EMPLOYEES. THEREFORE, THE CITY OF NEW YORK IS LIABLE FOR THE ALLEGED CONDUCT OF P.O. OFFICER, NO: 950342 (TORTFEASOR).

19. ACCORDINGLY, DEFENDANT THE CITY OF NEW YORK IS ALSO LIABLE TO PLAINTIFF FOR THE DAMAGES DESCRIBED HEREIN.

COUNT II CLAIMS OF FALSE ARREST, MALICIOUS PROSECUTION,
AND FALSE ARREST AGAINST THE CITY OF NEW YORK AND P.O.

OFFICER NO. 950342, n.y.c.p.d. 106

20. AS A DIRECT AND FOREGOING RESULT OF DEFENDANTS ACTIONS AND /OR OMISSIONS PLAINTIFF WAS DAMAGED AND SEEKS REDRESS.

21. PLAINTIFF ASSERTS THAT HE WAS IMPROPERLY CONFINED; HE DID NOT CONSENT TO IT; THE ARREST WAS NOT PRIVILEGED, AND HE WAS VINDICATED OF ALL CHARGES FILED BY DEFENDANT'S.

22. AS A DIRECT RESULT OF DEFENDANTS' ACTIONS PLAINTIFF WAS DAMAGED AND SEEKS REDRESS.

23. COUNT III CLAIMS OF INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS AGAINST DEFENDANT'S THE CITY OF NEW YORK

24.

PLAINTIFF HEREBY INCORPORATES AND REFERENCES ALL OF THE FOREGOING PARAGRAPHS AND FURTHER ALLEGES AS FOLLOWS:

HERE THE DEFENDANTS MISCONDUCT COULD ONLY BE INFERRED AS INTENTIONAL AS DEFENDANT'S WERE IN POSSESSION OF EXCULPATORY EVIDENCE FROM THE INCEPTION OF THIS ORDEAL, BUT OPTED TO PROSECUTE PLAINTIFF WITHOUT CAUSE.

25. AS A DIRECT AND PROXIMATE RESULT OF DEFENDANT'S ACTIONS OR OMISSIONS PLAINTIFF WAS DAMAGED AND SEEKS REDRESS.

COUNT IIII CLAIMS OF NEGLIGENT TRAINING, HIRING, AND RETENTION
AGAINST THE POLICE DEPARTMENT OF THE CITY OF NEW YORK

PLAINTIFF HEREBY INCORPORATES AND REFERENCES ALL OF THE FOREGOING PARAGRAPHS AND FURTHER ALLEGES AS FOLLOWS:

26.

DEFENDANTS HERE FAILED TO PROPERLY TRAIN THE CITY POLICER OFFICERS OF THE CITY OF NEW YORK AS TO PROBLE CAUSE PRIOR TO EFFECTUATING AN ARREST. THEY FURTHER HIRE AND RETAIN OFFICERS WHO COMMIT CIVIL RIGHTS VIOLATIONS INTER ALIA WITHOUT IMPUNITY.

27.

COUNT VI STATE LAW CLAIMS OF FALSE ARREST, MALICIOUS PROSECUTION, FALSE IMPRISONMENT AGAINST THE OFFICER, I.D. 950342, N.Y.C.P.D. 106. and THE CITY OF NEW YORK.

28.

PLAINTIFF HEREBY INCORPORATES AND REFERENCES ALL OF THE FOREGOING PARAGRAPHS AND FURTHER ALLEGES AS FOLLOWS:

HERE THE DEFENDANTS MISCONDUCT COULD ONLY BE INFERRED AS INTENTIONAL AS DEFENDANTS WERE IN POSSESSION OF EXCULPATORY EVIDENCE FROM THE INCEPTION OF THIS ORDEAL, BUT OPTED TO PROSECUTE PLAINTIFF WITHOUT CAUSE.

29.

AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS ACTIONS OR OMISSIONS PLAINTIFF WAS DAMAGED AND SEEKS REDRESS.

30.

DEFENDANT'S HERE FAILED TO PROPERLY TRAIN THE NEW YORK CITY POLICER OFFICER, I.D. NO. 950342. AS TO PROBLE CAUSE PRIOR TO EFFECTUATING AN ARREST. THEY FURTHER HIRE AND RETAIN OFFICERS WHO COMMIT CIVIL RIGHTS VIOLATION INTER ALIA WITHOUT IMPUNITY.

DAMAGES/INJURIES

- . LOSS OF FREEDOM;
- . EMOTIONAL TRAUMA AND DISTRESS;
- . MENTAL ANGUISH;
- . LOSS OF PRIVACY;
- . LOSS OF EMPLOYMENT;
- . MENTAL SUFFERING;
- . LOSS OF PERSONAL PROPERTY;
- . LOSS OF LIBERTY;
- . INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.

31.

AS A DIRECT AND FOREGOING RESULT OF DEFENDANTS ACTIONS
AND/OR OMISSIONS PLAINTIFF WAS DAMAGED AND SEEKS REDRESS.

IN THIS UNITED STATES DISTRICT COURT.

WHEREFORE, PLAINTIFF REQUESTS THAT THIS COURT ENTER JUDGMENT
AGAINST THE DEFENDANTS AND AWARD THE FOLLOWING AMOUNT:

- A. \$750,000 COMPENSATORY DAMAGES IN FAVOR OF PLAINTIFF;
- B. \$750,000 PUNITIVE DAMAGES IN FAVOR OF PLAINTIFF;
- C. COSTS OF THIS ACTION, INCLUDING REASONABLE ATTORNEYS FEES TO
THE PLAINTIFF; AND D. SUCH OTHER AND FURTHER RELIEF AS THE COURT
MAY DEEM APROPRIATE.

DEMAND FOR JURY TRIAL

PURSUANT TO RULE 38 OF THE FEDERAL RULES OF CIVIL PROCEDURE,
PLAINTIFF DEMANDS A TRIAL BY JURY.

DATED:

MAY 14, 2019

coxsackie, N.Y. 12051-0999

BY: Nakia Steele
NAKIA STEELE, PRO SE
PLAINTIFF

III. Relief: State what relief you are seeking if you prevail on your complaint.

I declare under penalty of perjury that on 5/9/2019, I delivered this
(date)
complaint to prison authorities at Coxsackie C.F to be mailed to the United
(name of prison)
States District Court for the Eastern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 5/9/19

Nakia Steele
Signature of Plaintiff

Coxsackie C.F
Name of Prison Facility or Address if not incarcerated

P.O. BOX 999

COXSACKIE, New York

12051-0999
Address

18A2627
Prisoner ID#